

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

WINFORD DALLAS JONES,)
Plaintiff,)
v.)
C.H. ROBINSON WORLDWIDE, INC.,)
Defendant/Third Party Plaintiff.)
v.)
AKJ ENTERPRISES, INC., d/b/a) Civil Action No. 7:06-CV-00547
Unlimited Express)
And)
ELSON BOLAR,)
And)
DONNIE BOLAR,)
Third Party Defendants.)

ROBINSON'S RESPONSE TO PLAINTIFF'S MOTION IN LIMINE

COMES NOW defendant C.H. Robinson Worldwide, Inc. ("Robinson"), by counsel, and hereby responds to Plaintiff's Motion *in Limine* as follows:

1. The crux of Plaintiff's Motion is that he objects to Robinson's use at trial of a recent copy of the FMCSA's SafeStat Warning Page that Robinson has been using as an exhibit in depositions and in its Summary Judgment briefs. Plaintiff objects on the grounds that it has not been shown that the 2008

version of the warning page is the same as the one that was on the FMCSA's website on or about September 10, 2004—the date that Robinson booked the load at issue in this case.

2. Plaintiff's objection to the 2008 version of the webpage is a valid one.

3. Plaintiff appears in his Motion to be agreeable to Robinson's use of the September 2004 version of the SafeStat warning page, provided Robinson can authenticate the same. See Pl. Motion at ¶ 3.

4. Accordingly, Robinson states its intention to rely at trial on the attached document, **Exhibit A** hereto, which accurately depicts the SafeStat warning page as it existed on September 10, 2004. **Exhibit A** will be authenticated at trial by Robinson's expert, Annette Sandberg, Esq., who was the Administrator of the FMCSA at the time this page was on the website.

ACCORDINGLY, Robinson asks that Plaintiff's Motion be denied.

Respectfully submitted,

C.H. ROBINSON WORLDWIDE, INC.,

By counsel,

/s://Robert Michael Doherty, Esq.

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CERTIFICATE

I hereby certify that I electronically filed the foregoing with John F. Corcoran, Clerk, U. S. District Court, using the CM/ECF system which will send notification of such filing to the following on this 25th day of **April, 2008**:

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